



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/166131

PRELIMINARY RECITALS

Pursuant to a petition filed May 21, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Rock County Department of Social Services in regard to FoodShare benefits (FS), a hearing was held on June 16, 2015, at Janesville, Wisconsin.

The issue for determination is whether the agency erred in its termination of FS and BC+ effective July 1, 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Melissa Genz

Rock County Department of Social Services
1900 Center Avenue
PO Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County.

2. Petitioner lives with his girlfriend and son.
3. Petitioner had been receiving FS and BC+.
4. In May, petitioner underwent a program review which determined that his gross earned income had increased to \$2,409.08 and he was now above the income limits for BC+ for himself and above the limit for a household of 3 for FS.

DISCUSSION

At hearing, petitioner's argument was that his take home pay was quite a bit less than the gross wages the agency looked at. He also explained that the health insurance available through his employer is costly and would consume much of his take home pay. None of these arguments, however, address whether petitioner is eligible for FS or BadgerCare. These programs have firm income limits which are based on gross pay. The cost of other insurance is also not taken into consideration when determining BC+ eligibility.

Petitioner noted at hearing that he had just lost his job. In all likelihood then, he is now eligible for benefits again. If he has not done so, he should inquire of the agency whether he can be enrolled again in these programs. If he is again eligible, then he may not realize any lapse in benefits.

CONCLUSIONS OF LAW

The agency did not err in terminating petitioner from FS and BC+ when he underwent a renewal which verified wages exceeding the income limits for BC+ and FS.

THEREFORE, it is **ORDERED**

That this matter is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

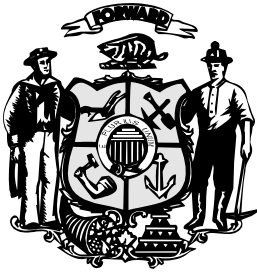
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of
Madison, Wisconsin, this 16th day of July,
2015

\sJohn P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on July 16, 2015.

Rock County Department of Social Services
Division of Health Care Access and Accountability